

REMARKS/ ARGUMENTS

This amendment is in response to the Office Action of July 30, 2003.

Applicant hereby requests a three-month extension of time. The appropriate fee is enclosed.

Claims 1-49 are pending in this application. Claims 17-20, 23, 27, 30-44, 46 and 48 are amended herein so as to more clearly define the invention. Support for the amendments is found in the specification, in paragraph 0075 and elsewhere.

On page 2 of the Office Action, the Examiner has rejected claims 17-20 and 39-42 under 35 USC 112, first paragraph, on the basis of lack of enablement. Applicants respectfully disagree, and submit that the terms "advocate politically" and "generate unpaid publicity" are sufficiently clear without the need to set forth additional method steps. In any event, however, claims 17-20 and 39-42 are amended herein so as to expand upon the types of lobbying and publicity activities contemplated by the present invention. Accordingly, applicants submit that claims 17-20 and 39-42 now comply with 35 USC 112, first paragraph.

On page of the Action, the Examiner has rejected claims 27, 30-44, 46 and 48 under 35 USC 112, second paragraph, for alleged indefiniteness. Claims 27, 30-44, 46 and 48 are amended herein to clarify that these claims teach system elements rather than method steps. Regarding claim 30, it is noted that claim 23 has now been amended to include a limitation relating to "site". Accordingly, claim 30 now has a proper antecedent basis back to claim 23, and there is no confusion with respect to claim 24.

In light of the amendments to the claims herein, applicant submits that all rejections to the claims under Section 112 have now been overcome.

Discussion of 35 USC 101

On page 3 of the Action, claims 1-22, 47 and 49 have been rejected under 35 USC 101. Applicant respectfully disagrees.

First of all, as recited in independent claim 1, the steps of:
"collecting data on energy usage from a customer and energy system supply data;

calculating and reporting the availability and costs of energy systems; receiving a commitment from the customer to purchase at least one energy system; and arranging the purchase and installation of the purchased energy system”

are not merely abstract ideas which can be performed mentally without interaction of a physical structure. Physical and technological structures are definitely required. For example, “receiving a commitment from a customer to purchase” an “energy system” is a legally binding contract that triggers the executory elements of the contract such as the company’s purchase of components, scheduling of site visits, filing of government and rebate and financing applications, expenditures of moneys, etc. Similarly, “arranging the purchase and installation of the purchased energy system” results in an energy consumer changing his relationship with the electric utility, selling his excess electricity into the electric grid, reducing the amount of pollution the utility creates, etc. Those steps are not possible without the “collecting [of] the data on energy usage” and the “calculating and reporting [of] the availability and costs of energy systems”.

In addition, the databases created by this system which represent momentary snapshots of the shape of the market for new energy technologies, the shape of the market segments that have contracted for new energy technologies, the shape of the market segments that have contracts for new energy technologies contingent on specified additional demand, the geographic contours of the regulatory landscape for new energy technologies and their financing, are all physical real world structures which are created, improved, updated or changed by the present invention.

In addition, the process of collecting signed contingent or futures contracts from consumers before a specifier needs to incur the cost of visiting the consumer to take the necessary measurements, consult the relevant data sources and make the necessary calculations, has a physical real world impact in that it shifts the cost burden for the specifier from pre-sale to post-sale. This has the additional effect of excluding pre-sale costs imposed by the presentation of a proposal to one potential customer who chooses not to purchase on the offering cost to a later customer.

The present invention’s system for distinguishing between customers who are eligible for regulatory advantages and those who are merely offered an immediate way to advocate politically

for such regulatory advantages are both additional real world physical manifestations of the system.

The present invention's ability to create new markets for cost-effective non-polluting energy generation technologies is another concrete real world phenomenon which results in increased use of non-polluting energy generation technologies and decreased pollution from the burning of fossil fuels to create electricity.

The fact of the demand aggregation accomplished by the present invention is not only a real world fact in and of itself, but it results in the reduction of the cost to the end-user of these non-polluting energy generation systems and therefore increases their implementation and reduces the amount of greenhouse gases and pollution electric utilities release into the earth's atmosphere. These are not only real world effects, they are critically important to our world today given the trend toward global warming caused by the release into our atmosphere of greenhouse gases from the burning of fossil fuels.

More generally, applicant wishes to remind the Examiner that judicial interpretation of patentability under section 101, particularly with respect to business method and computer-related inventions, has expanded substantially since the famous State Street decision, namely *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998). See also MPEP Section 2106.

The system at issue in State Street "facilitate[d] a structure whereby mutual funds (Spokes) pool their assets in an investment portfolio (Hub) organized as a partnership."

Similarly, the present invention facilitates the creation of new markets, facilitates the aggregation of demand for the environmentally friendly components involved, facilitates the lowering of the electric costs of the end-user, facilitates the marketing and installation of the these components by the user of the system, and facilitates the societal purpose of improving legislation by facilitating political advocacy related to environmentally friendly distributed energy generation systems.

The result in State Street was "the advantageous combination of economies of scale in administering investments coupled with the tax advantages of a partnership."

Similarly, a result of the present invention is the advantageous combination of economies

Discussion of 35 USC 103 and Cited References

On pages 3-8 of the Action, the Examiner has rejected all claims under 35 USC 103(a) over various combinations of references Ishimaru, Dworkin, Ardalan, Bezos and Official Notice. Applicants respectfully disagree.

Ishimaru et al.

Ishimaru et al. presents an invention designed to “allow power companies and town gas companies to make effective use of their respective facilities.” (col 1, lines 42 - 45) Unlike the present invention, the cited patent is designed for large utilities, power generation companies rather than for typical energy consumers. Only large power generation companies and very large industrial companies which generate their own energy supply would be able to use the invention described in Ishimaru et al. Only such large energy generators would typically have the capacity and knowledge and financial ability to use the cogeneration systems described in Ishimaru et al. (col. 1, lines 46 - 61). It is well-known that typical residential and even commercial and industrial energy consumers do not possess the financial or technical resources to install cogeneration equipment – only large, sophisticated companies do. This invention, while not saying so explicitly, only makes sense for such extremely large energy generators. It does not relate to small or residential customers of a power utility which might generate a small amount of electricity for its own needs.

In contrast, the present invention is applicable for virtually all energy consumers including residential end-users with no training or knowledge concerning the workings of electricity or power generation. To the extent that Ishimaru et al. discusses the consumption of energy, it is primarily discussing the primary energy consumed by the power plant, utility or very large industrial consumer in order to power the equipment needed to generate electricity and heat. For that reason, when Ishimaru et al. discusses “the consumption of primary energy” it refers only to facilities at a “power plant” (col 3, lines 52 - 56). That is also why the “primary energy” includes fossil fuels as well as atomic energy and hydroelectric power (col. 4, lines 21 – 24; col. 4, lines 30 - 34). It is well known that typical residential, commercial and industrial energy users cannot operate nuclear power plants and typically do not divert rivers or dam water in order to

generate the electricity they need. That is also why Ishimaru et al. mentions that “Primary energy consumption at a hydropower generating plant normally is negligible.” (col. 4 lines 34 - 35) That would not be relevant if the users of the disclosed technology were end-users or typical residential, commercial or industrial electricity customers. That is also why, even when discussing fuel cells, Ishimaru et al. discusses an “approximately 200 kw” fuel cell and its efficiency is compared with the efficiency of the rest of the power plant. (col. 5, lines 42 - 47) That is also why Ishimaru et al. discloses that “it is more economical to receive a hydrocarbon fuel (e.g. methane, propane or butane) at the fuel receiving means, and produce hydrogen gas therefrom at a reformer means to be used as the fuel for the fuel cell means.” (col. 6, lines 58 - 63) It is well-known that only power utilities and extremely large industrial generators of energy could operate both the reformer as well as the fuel cell. Not surprisingly, the invention of Ishimaru et al. is owned by a power utility, the Osaka Gas Company Ltd. In Osaka, Japan.

Given the entirely different contexts and purposes of the present invention and that disclosed by Ishimaru et al., whether singly or in combination, in no way discloses or suggests that any aspect of the present invention is obvious.

Dworkin

Dworkin reveals an invention designed to give potential purchasers information concerning the price, availability, vendor and specifications of products or services they have chosen. The potential purchaser must then choose the product or service they want before the system transmits the order to the vendor.

In contrast, the present invention allows a potential purchaser to obtain a package of products and services that work together to provide the purchaser with energy at less cost (and less pollution for the environment) even where no such individual product or service (such as might be available on a Dworkin taught system) could accomplish that. It is therefore far more than merely a means to present a consumer with more information on which to base a decision as in Dworkin. Rather the present invention actually creates a market for a package of products and services where none existed previously. Moreover, it simultaneously provides forecasting of that new market to the user of the system, a feature completely absent from Dworkin. In Dworkin,

“the user must first tell the system the general type of product or service desired.” (col. 2, lines 6 - 7) In contrast, in the present invention, it is assumed that the user does not know what types of products or services could provide an energy solution that would reduce their energy costs and eliminate the pollution their use of energy contributes to the environment.

Dworkin claims to “assist[] a user in locating and purchasing” various goods and services. In contrast, the present invention does not assist users, but rather it accomplishes the entire spectrum of creating the new possibility, notifying the potential purchaser of the new possibility, securing the agreement of the purchaser to purchase, purchasing the component parts of the purchased system, organizing the required services attendant to the installation of the purchased components, installing the components, and testing and turning on the components, among others. Dworkin in no way teaches or anticipates these critical steps of the present invention or the other disclosed.

Dworkin claims to allow suppliers to notify large groups of potential buyers about new products or special promotions (col. 3, lines 13 - 14), but says nothing about forecasting new markets. The present invention does not just notify potential buyers about new products or special promotions, it makes existing products and services work for the consumer in ways that are not possible, much less known, before use of the present invention.

Ardalan et al.

Ardalan et al. discusses only automatic meter reading systems. The present invention could be used with or without an automatic meter reading system. Ardalan et al. is otherwise unrelated to the present invention. Only after a customer has granted permission to a company to obtain its meter data and granted access to the meter in order to set up an automatic meter reading system, would the Ardalan et al. invention be relevant. In contrast, the present invention deals with the point in time before a customer has granted a company permission to access its meter.

Bezos et al.

Bezos et al. concerns only “an internet based referral system that enables individuals and other business entities (“associates”) to market products, in return for a commission, that are sold from a merchant’s Web site.” (first lines of Abstract) In contrast, the present invention does not deal with a referral system only to market products that are sold from a merchant’s web site. Rather, it goes well beyond just products, well beyond just products sold from a web site, and well beyond just offering commissions. What is offered to consumers is a package of products and services that is not orderable from a web site in part because the correct package of products and services is different for each consumer, and in part because no web site offers such packages, and in part because no web site can offer it at below the replacement cost of the electricity that would not have to be bought because of the package of products and services. The purpose and accomplishment of the referral system revealed by the present invention is to lower the price for the consumer not just through a commission, but rather by fundamentally lowering the purchase price by facilitating the aggregation of sufficient demand for the components across the initial consumer and those referred. Bezos et al. does not include any of these aspects of the current invention.

The Claims are Not Obvious

Claims 1-7, 12-20, 22-30, 34-42, 44, and 47-49 as described in the present patent application are not obvious over Ishimaru et al. (US 5,432,710) in view of Dworkin (US 4,992,940), because neither patent discloses nor suggests that this combination of references would result in the present invention. Nor would a person of ordinary skill in the pertinent art be motivated to combine these two references to produce the present invention.

Ishimaru et al. may teach an energy supply method, however it does not cover any of the present inventions’ claims 1, 3, 5 – 7, 13, 15, 23, 27 – 29, 35, 37 or 47 – 49 relating to collecting data on energy usage from at least one customer and energy supply data from a plurality of suppliers and calculating and reporting costs of energy usage expected by the customer. (col. 10, line 14 – col. 11, line 12).

Although Ishimaru et al. teach a certain energy supply method and system for optimizing energy cost, energy consumption and emission of pollutants, (col. 10, line 14 – col. 11, line 12), the energy supply system discussed therein is unrelated to the present invention and none of the teachings of Ishimaru relate to or make obvious the present invention.

Ishimaru et al. teaches an invention related only to a power utility sized energy supply system which itself consumes energy and heat and may be directly connected to a large customer using the heat byproduct from the energy generation processes. This is a fundamentally different context than that disclosed in the present invention which provides a method and a system of letting an electricity end-user, including an unsophisticated residential consumer, input simple data about their situation so that the system can determine what components and services and financing could be provided so as to lower the end-user's electricity costs and eliminate the pollution caused by electricity generated for that end-user.

For example, references to "primary energy" (col. 10 line 38), "heat consuming installation" (col. 10 line 17), a "control unit" controlling "the type of energy (electricity, heat or combustible gas) used by each energy consuming installation of the energy consumer" (col. 10 lines 27 - 31), "governmental order(s)" (col. 10 line 50), and other components make clear that the entire discussion must relate to large energy generating stations because it is well-known that end-user individual customers such as residents or small businesses would never have such components.

The "energy demand" referred to in Ishimaru et al. is fundamentally different than the energy demand of the present invention. The "energy demand" in Ishimaru et al. refers to the "demands for electric power and heat" of the "power plant" or "energy supply system" (col. 3 line 1, col. 3, line 53, col. 10 line 14 et seq.). Only in that context do Ishimaru et al.'s references to the use of a wattmeter (col. 4, line 8) and to measuring heat (col. 4 lines 8 - 12) make sense. The same is true for Ishimaru et al.'s reference to an energy demand estimating device" (col. 10 lines 14 et seq.) A wattmeter, any measurements of heat, and an energy demand estimating device, are neither mentioned in nor required for the present invention. It is well known that none of these are generally found with typical end-users of electricity, such as residential or small business energy consumers.

Part of the innovation of the present invention is that it provides an automated way to collect data on energy usage from unsophisticated end-users and by requesting simple to supply data and then using it in estimation algorithms to produce the annual energy usage necessary for the system.

Collecting data on energy usage was not new to Ishimaru et al. The present invention's method of collecting such data is new to the industry. Ishimaru et al. explicitly states "Energy demand may be determined by a well-known method." (Column 4, lines 6-7). Data on energy usage is typically collected in the aggregate per month or per billing cycle. Alternately energy usage is occasionally collected by direct measure on a periodic basis. (col. 9, line 55 – col. 10, line 11) The first is inexpensive but typically requires direct access to the customer's billing records. The second is typically extremely labor-intensive as well as instrument-intensive and therefore is extremely expensive.

The present application provides for a novel series of methods for inexpensively and remotely estimating the energy usage sufficiently to determine which non-polluting systems singly or in conjunction could provide sufficient energy so that the net annual energy to be generated approximated the annual net energy usage. Ishimaru et al. do not in any way suggest any such methods of collecting data on energy usage, nor is it attempting to collect the kind of data contemplated by the present application. Whereas Ishimaru et al. would need precise energy usage data and its change over time per in-system generator fed to the controllers referenced in order to change the various levels of fuel and allocation according to various formulas,; the present application needs only annual net estimates of total energy usage by end-user. These methods and the results they produce are not related or comparable. Ishimaru et al.'s system permits the real-time optimization of energy generation equipment on a large scale. The present invention's system permits an end-user to sign up real time for components and services that will lower their cost of electricity and eliminate pollution by building a large market of individual purchasers, and permits the company supplying such components and services to shift the costs of specifying the components and services until after the consumer has contracted for them.

Similarly, whatever Ishimaru et al. may teach regarding the collecting of energy supply data from a plurality of supply components, it teaches nothing concerning energy supply

specifications data from a plurality of component suppliers. However, the present application teaches the collecting of cost and specification data, not on energy supply but on energy generation components. Due to the vastly different contexts these are not comparable nor related.

For the same reasons, Ishimaru et al. may teach calculating and reporting costs of energy usage expected by the customer, but does so only in a context completely different from that of the present invention. Whereas, Ishimaru et al. may teach the calculating and reporting of the costs of energy usage expected by the customer with the view of using that data to control the flow of fuel and the allocation of energy generation between devices, the present application teaches the calculating of the amounts of energy usage actually used by the customer, with the view towards specifying and sizing components and services that will allow the consumer to lower its energy costs over time while reducing pollution. The present application does not report such calculations real time as taught by Ishimaru et al., but rather uses such calculations over defined periods, typically a year, internally to accomplish the real world objectives of matching the components which would serve the customers' needs with the cost structure which would apply if the customer purchased and installed such components.

Although Ishimaru et al. may relate to energy systems (power generation equipment) installed at the customer premises, many companies have operated in that manner for many years prior to Ishimaru et al. (1995) Ishimaru et al. does not teach a way of arranging the purchase and installation of the energy system, as does the present invention. Neither does Dworkin teach such a system, particularly not for a non-technical end-user. Dworkin merely provides a method for potential purchasers to more easily order specific components where they already know what they need, and already know what specifications they are interested in. In the present invention, unlike taught in Dworkin, a non-technical end-user would NOT need to specify the specifications in order to be able to use the database to retrieve products at the best available price. Rather, the non-technical end-user, in fact any homeowner or small business owner, would be able to use the database to retrieve not just individual products but a complete energy generation system solution, not only at the best available price, but at a price less than their current cost of electricity. That is a significant and non-obvious improvement over Ishimaru et al. or Dworkin,

or the two taken together. A user of the invention in Dworkin would not be able to choose an energy generation system, much less one that would lower his costs and eliminate pollution, because such systems are not commodities sold in mass in the generic configurations. Rather, they must be customized to the individual user as accomplished in the present invention.

Whereas Ishimaru et al. (but not Dworkin) permits optimizing emission of pollutants for the large-scale generator of energy, the present invention provides a cost-effective method of eliminating emissions altogether for the portion of the energy demand generated by the installation ultimately chosen and implemented by any of many end-users.

Moreover, Dworkin includes no system for customizing the installation of components, no method of creating markets for components or services where such markets did not previously exist, and no system for shifting the cost of specifying the systems needed until after the customer has contracted for it. In fact, Dworkin includes no method at all for any systems or components that require specifying for a particular consumer.

For all of the foregoing reasons, it would have been impossible for one skilled in the art at the time the invention was made to modify Ishimaru et al. to include the arranging the purchase and installation of energy systems (since purchasing and installing is unrelated to Ishimaru et al.) Similarly, it would also have been impossible for one skilled in the art at the time the invention was made to modify Dworkin to include the types of energy generation systems discussed in the present invention.

As per Claims 2, 4, 8, 14, 24, 26, 30, and 36, Ishimaru et al. may teach a method and system in which energy usage is discussed as are energy generation preferences, solar cells, fuel cells and wind power generators, however, the energy usage being discussed is, as explained above, in the context of supplying energy for the power generation equipment of a large scale power utility or large industrial energy producer and consumer. Moreover, the energy usage discussed in Ishimaru et al. is of the momentary real time type that would be needed in Ishimaru's system, rather than the broader picture, cumulative energy usage estimation needed in the present invention. The data involved are different, as are the contexts in which the data are used, between Ishimaru et al. and the present invention.

In addition, when Ishimaru et al. recites, "The system wiring 13b may receive electricity generate by a solar cell (not shown) and a wind power generator (not shown)" (col. 9, lines 27 - 29) it is referring to electricity inside the energy box 7 which is the power plant or utility provider of electricity. The references to the fuel cell (e.g. col. 10, line 24) are the same. This is a fundamentally different concept than that within the present invention. Ishimaru et al. is merely stating the obvious that if electricity is needed to run the energy generation equipment, that electricity may be obtained from solar cells, wind power turbines, or fuel cells. The present invention, in contrast, describes a system in which an end-user could determine whether they could install a non-polluting energy generation system and save money by doing so, and also could contract for the components and services to finance and implement those components at the offered price, below their current electricity costs. That is well beyond Ishimaru et al. and in no way anticipated by Ishimaru et al.

As per Claims 2, 4, 8, 14, 24, 26, 30, and 36, Dworkin teaches nothing specifically about data on energy usage, historical or anticipated electric power usage, energy generation preferences, solar cells, fuel cells, or wind power generators. Dworkin may teach a method and system in which products and services are offered to potential purchasers, and energy generation components, and solar cells, fuel cells and wind power generators, could theoretically be among such products, however, it is well known that merely wanting to purchase such components does not provide the home-owner or business-owner with sufficiently detailed specifications to be able to know what components to order, or how to install them, or whether they will cost extra money or save money compared to current electricity purchase costs, without expert assistance that is not contemplated by Dworkin.

Although it is well known that utilization of wind power generators and solar cells is possible if there is adequate amount of these resources, that does not mean that it is obvious how to use such data to determine whether such systems could be installed singly or in combination to lower the cost of energy for the end-user, or to determine how on a macro level to aggregate the data across many end-users to lower the costs for all of them. That is what is accomplished by the present invention

Whereas Ishimaru et al. collects data to feed to its real time controllers to control the quantity and allocation of generating capacity, and Dworkin collects data on a customer's preferences and needs to provide the customer with purchase choices, neither collects the kind of data described in the present invention to allow the specification of energy generation systems and components and to achieve pricing that is below the customer's current cost of electricity. Plenty of inventions collect data, but none do so as the present invention does for the purposes and uses that the present invention makes of them. Nor does Ishimaru or Dworkin or any other disclosure use such data to calculate how a multitude of energy generators could be made affordable across a market of such energy consumers, as does the present invention.

As per claims 12, 22, 34 and 44, Ishimaru et al. and Dworkin may teach methods or systems in which some customer is kept informed of some changes or some new developments in available products or specific energy systems, costs and financing options, but neither teaches, as does the present invention, how to provide customers not with the raw updated information, but with the information factored into the precise question that the consumer must answer at the moment of purchase of a new, non-polluting energy generation system: "can I lower my electric costs and help decrease the pollution created by the energy I use? In addition, not only does the present invention collect such updated already existing information, it creates new lower pricing by aggregating more consumers, and then updates the information to the consumers. Therefore, unlike Ishimaru et al. and Dworkin, the present invention teaches not just updating information, which was not novel to Ishimaru and Dworkin, but the present invention teaches how to use the system disclosed to automatically aggregate demand and thereby lower costs and thus create new information for the customers, which it then automatically provides to customers. Neither Ishimaru et al. nor Dworkin teach or accomplish any of these aspects.

The innovation in the present invention is not that the customers are informed by automatic email alerts, but rather that the system in the present invention creates changes in the market by aggregating demand, and then having created the opportunity for the customer automatically informs them and signs them up remotely. Neither Ishimaru et al. nor Dworkin teaches anything related either to market creation, or to automatic contracting as does the present invention. It would not have been obvious to one having ordinary skill in the art at the time the

invention was made to modify Ishimaru et al. or Dworkin to include these aspects of updating customers whether by email or any other method.

As per claims 16 – 20 and 38 - 42, Ishimaru et al. may teach optimizing energy consumption and emission of pollutants. However, that is only in the context of a large utility power generation station or large industrial power generator and consumer. The general goal of reducing pollution is certainly not a new one. Ishimaru et al. accomplishes it for a large utility power generation station or large industrial power generator and consumer. The present invention accomplishes it through creating a mass market for customized non-polluting energy generation components, financing and installations. The means are unrelated although both may accomplish purposes related to reducing emission of pollutants.

The present invention is not concerned with optimizing energy consumption, but rather eliminating the emission of pollutants

Although marketing, advocating politically, and generating unpaid publicity are certainly well known, the particular types and purposes of marketing, advocating politically, and generating unpaid publicity disclosed by the present invention are novel and non-obvious.

Marketing typically means the act of selling or promoting a sale. However, in the present invention, not only is typical marketing envisioned, but in addition, end-users' input of their own data and receipt of a customized offer at a specified price is be conditional on a number of other users' input of their data, and therefore, since the offers will include a decrease in price for electricity and the elimination of polluting emissions, the end-users have an incentive to share the offer even aside from any cash incentive or rebate offered. That is not only novel, but unanticipated by Ishimaru et al, Dworkin, or any other prior art. It takes advantage of three of the novel aspects of the present invention: the automation and cost-effectiveness of the process, the time shifting of the expenditure of capital on a new customer until after that customer has contracted, and the volume-sensitivity of the non-polluting energy generation technology industry.

The reasons that the system works are that individual end-users are offered attractive pricing based on demand aggregation, and the demand aggregation is enhanced by their participation. This is the present invention's unique, novel and non-obvious way to get around

the catch-22 in the industry: insufficient demand causes prices too high for sufficient demand; and prices are too high for sufficient demand which would lead to lower prices. Neither Ishimaru et al., nor Dworkin, nor any other prior art discloses or anticipates these aspects.

Other contributors to demand aggregation are advocating politically for changes in the law that open new markets, and unpaid publicity.

While advocating politically is well-known, never has a product or service included within its marketing system a way to contribute to the political process in such a way as to reduce the price or expand the market of a product or service already sold or offered to that customer. In addition, the present invention creates the incentives for the end-user to politically advocate in order to lower his own cost or increase his eligibility, which simultaneously opens the system to end-users who were previously not eligible. These are uses of political advocacy that are completely novel and certainly not predicted by any prior art.

Obtaining unpaid publicity is also a well known marketing tactic. However, no prior art uses the customer data collection system to supply customers with the connections, media contacts, educational materials and opportunities to generate unpaid publicity that drives demand aggregation and lowers the price for that customer. As with advocating politically, and other marketing techniques, this type of generating unpaid publicity is not found in the prior art or anticipated by any prior art.

As per claims 9 – 11 and 31 – 33, Ishimaru et al. and Dworkin do not teach all the limitations of claims 9 – 11 and 31 – 33. While Ardalan et al. may teach a method and system for automatic remote access to electronic meters using a TCP/IP protocol suite, wherein the data on energy usage is collected from an Internet Web site (Abstract; column 4, lines 50 - 53), it says nothing about collecting energy usage data interactively from a web site. Only after a customer has granted permission to a company to obtain its meter data and granted access to the meter in order to set up an automatic meter reading system, would the Ardalan et al. invention be relevant. In contrast, the present invention deals with the point in time before a customer has granted a company permission to access its meter.

Although use of a web site is well known, the ability to interactively collect energy usage data via a website in order to provide customers a real time offer of sufficient energy generation

components, ancillary required components and services for installation of such energy generation components, and the financing of such a purpose is an entirely novel and non-obvious application of web technology. Moreover, there is no precedent for interactively using the web site to collect the data from many customers and aggregate it over time to lower unit prices and immediately forecast and offer customers the lower prices contingent on sufficient aggregate demand.

The collecting of meter data and supplying it to a website as may be taught by Ardalán et al. is unrelated to the interactive uses of a web site in the present invention. In the present invention, no data are collected from a meter configured so as to be available to a web browser. Since the present invention is seeking among other things the agreement of the customer to the proposal offered by the website the type of remote data output from a meter taught by Ardalán would be insufficient for the purposes of the present invention.

Regarding claims 21, 43 and 45 – 46, as indicated above, Ishimaru et al. and Dworkin do not teach all the limitations of claims 21, 43 and 45 – 46.

As per claims 21, 43 and 45 – 46, Bezos et al. may teach a method and system for Internet-based customer referral arrangement, wherein, if the customer selects a referral link, the commission is automatically credited to an account of the referring associate (Abstract), however, in Bezos et al. the sole purpose for a customer to refer others is to gain the commission, whereas in the present invention, a customer has the incentive to refer others to speed up the time when enough demand will be aggregated so that the customer's purchase and installation can be completed, and/or to lower the price at which the customer can purchase the non-polluting system, and/or to further benefit the environment via the educating of other customers, via the installations of other customers, and via the advocacy for regulatory changes. None of these aspects of a customer referral system exist in the Bezos et al. or in other prior art.

Therefore it would not be possible for one having ordinary skill in the art at the time of the invention to modify Ishimaru et al. and Dworkin to include all of the above aspects.

Conclusion

Thus, for the reasons discussed above, it is believed that none of the references cited by the Examiner, whether taken singly or in combination, disclose or suggest the unique combination of elements disclosed and claimed in the present application, as amended. Nor would a person of ordinary skill in the pertinent art be motivated to combine the references to produce the present invention. Therefore, none of the pending claims, as amended, are rendered obvious by any of the cited references, either taken singly or in combination.

Applicant submits that, in light of the amendments made herein and the discussion above, the Examiner's rejections of the claims under 35 U.S.C. 101, 103(a) and 112 have now been overcome. Thus, all pending claims, as amended herein, are now believed to be allowable.

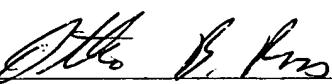
Accordingly, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If there are still unresolved issues, it is requested that the Examiner contact applicant's attorney to discuss and perhaps resolve any issues.

Change of Address. Finally, the undersigned wishes to notify the Office of a change of correspondence address. The address below is the new address.

Respectfully submitted,

By: _____


Otho B. Ross

Attorney for Applicant

Reg. No. 32,754

475 Park Avenue South, 15th Floor.

New York, NY 10016

Tel. 212-370-5606

Fax 212-661-8002

Dated: January 30, 2004